

AMENDED IN ASSEMBLY JUNE 2, 2003  
AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 921**

**Introduced by Assembly Member Firebaugh**

February 20, 2003

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An act to add Sections 60200.8 and 60220.5 to the Education Code, relating to instructional materials, ~~and making an appropriation therefor.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 921, as amended, Firebaugh. Instructional materials: cost consideration: submission fee.

Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, in language arts, mathematics, science, social science, bilingual or bicultural subjects, and any other subject, discipline or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.

This bill would require the State Board of Education to consider the cost of the instructional materials, per pupil, in selecting the instructional materials for adoption, as specified.

Existing law sets forth various requirements upon publishers and manufacturers submitting instructional materials for adoption. Existing law imposes various duties upon the Curriculum Development and Supplemental Materials Commission, including, among others, the duty to develop criteria for evaluating instructional materials submitted

for adoption and to study and evaluate instructional materials submitted for adoption.

This bill would require publishers and manufacturers that submit instructional materials for review and adoption by the state board to pay a fee, as provided, to the State Department of Education. The bill would create the Publishers and Manufacturers Submission Fee Fund and would require those fees to be deposited into that fund. The bill would ~~continually appropriate~~ make those funds available, upon appropriation, to the State Department of Education for the purpose of funding the expenses of the Curriculum Development and Supplemental Materials Commission.

Vote: majority. Appropriation: ~~yes~~ no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 60200.8 is added to the Education Code,  
2 to read:

3 60200.8. (a) The State Board of Education shall consider the  
4 cost of the instructional materials, per pupil, in selecting the  
5 instructional materials for adoption. The state board shall give  
6 preference to the instructional materials that meet the criteria of  
7 this chapter and have the lowest cost. The state board shall also  
8 adopt any other instructional materials that meet the criteria of this  
9 chapter and whose cost is not higher than 110 percent of the lowest  
10 cost adopted instructional materials. In determining the cost of the  
11 instructional materials, per pupil, the state board shall include the  
12 cost of training teachers, administrators, and other school  
13 personnel in the use of the instructional materials.

14 (b) *The cost estimate described in subdivision (a) shall be*  
15 *considered at a public hearing or a meeting of the state board and*  
16 *shall be adopted by resolution at a subsequent meeting of the*  
17 *board. The state board shall adopt the resolution on or before the*  
18 *date that it adopts criteria pursuant to Section 60200.*

19 (c) *No later than 14 days after the adoption of the resolution*  
20 *described in subdivision (b), the state board shall deliver a*  
21 *certified copy of the cost estimate to the chairperson of the Joint*  
22 *Budget Committee of the Legislature.*

23 (d) *The Department of Education shall monitor compliance by*  
24 *publishers and manufacturers with paragraphs (1) to (5),*

1 *inclusive, of subdivision (a) of Section 60061 and annually report*  
2 *its findings to the Legislature.*

3 SEC. 2. Section 60220.5 is added to the Education Code, to  
4 read:

5 60220.5. (a) The State Department of Education shall collect  
6 from each publisher and manufacturer a fee equal to the retail  
7 price, or fifty dollars (\$50), whichever amount is the greater, for  
8 each textbook or other item of instructional materials submitted by  
9 the publisher or manufacturer for review and adoption by the state  
10 board. The fee shall be paid before the textbook or other item of  
11 instructional materials is considered by the state board for  
12 adoption.

13 (b) There is hereby created the Publishers and Manufacturers  
14 Submission Fee Fund. All fees collected by the State Department  
15 of Education under subdivision (a) shall be deposited in the  
16 Publishers and Manufacturers Submission Fee Fund. ~~All money~~  
17 ~~in the Publishers and Manufacturers Submission Fee Fund is~~  
18 ~~continuously appropriated and be made available, upon~~  
19 ~~appropriation,~~ to the State Department of Education for purposes  
20 of funding the expenses of the commission.

